

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CASE NO. 3:23-cv-566

SPINOSO REAL ESTATE GROUP, DLS,)
LLC, solely in the capacity as court appointed)
receiver pursuant to that certain Consent)
Judgment and Stipulated Order for)
Appointment of Receiver entered on May 21,)
2021 in the General Court of Justice, Superior)
Court Division, County of Mecklenburg, State)
of North Carolina, successor-in-interest to TM)
Northlake Mall, LP,)

Plaintiff,)

v.)

AE OUTFITTERS RETAIL CO, and)
AMERICAN EAGLE OUTFITTERS, INC.,)

Defendants.)

**SECOND UNOPPOSED MOTION
FOR EXTENSION OF TIME TO
FILE RESPONSIVE PLEADING
AND HOLD RULE 26(f)
CONFERENCE**

**PLAINTIFF’S SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING TO DEFENDANTS’ COUNTERCLAIMS AND HOLD RULE
26(f) CONFERENCE**

Plaintiff, SPINOSO REAL ESTATE GROUP, DLS, LLC, solely in the capacity as court appointed receiver pursuant to that certain Consent Judgment and Stipulated Order for Appointment of Receiver entered on May 21, 2021 in the General Court of Justice, Superior Court Division, County of Mecklenburg, State of North Carolina, successor-in-interest to TM Northlake Mall, LP (“**Plaintiff**”), for its Second Unopposed Motion for Extension of Time to File Responsive Pleading to Defendants’ Counterclaims and Hold Rule 26(f) Conference, state as follows:

1. Defendants AE OUTFITTERS RETAIL CO, and AMERICAN EAGLE OUTFITTERS, INC. (“**Defendants**”) filed their Answer, Affirmative Defenses, and Counterclaims against

Plaintiff on September 12, 2023. Pursuant to Federal Rule of Civil Procedure 15, Plaintiff's response to the Amended Complaint was due on October 2, 2023.

2. On October 2, 2023, Plaintiff filed an Unopposed Motion for Extension of Time to File Responsive Pleadings to Defendants' Counterclaims, seeking an extension to October 4, 2023.
3. Shortly thereafter, counsel for Plaintiff and Defendants met and conferred regarding the lawsuit and agreed to extend the deadline for Plaintiff to file its responsive pleading to the Counterclaims for thirty (30) days, or November 3, 2023 while the parties discuss a potential resolution to the lawsuit.
4. The parties further agreed to extend the deadline for the parties to hold a Rule 26(f) conference to fourteen (14) days after Plaintiff's responsive pleading deadline, or November 17, 2023.
5. The parties then filed an agreed motion for extension of time to file responsive pleadings and hold the Rule 26(f) conference, which was granted on October 3, 2023.
6. Since that date, the parties have agreed to two additional extensions of time to discuss settlement, extending the deadline for Plaintiff to respond to Defendants' Counterclaims to December 1, 2023.
7. The parties continue to have meaningful settlement discussions and have agreed to extend the deadline for Plaintiff to respond to Defendants' Counterclaims to December 15, 2023, and also to extend the deadline for the parties to hold a Rule 26(f) conference to fourteen (14) days after Plaintiff's responsive pleading deadline, or December 29, 2023.

8. The parties therefore respectfully request an extension of time, up to and through December 15, 2023, for Plaintiff to file its responsive pleading to Defendants' Counterclaims, and up to and through December 29, 2023 for the parties to hold a Rule 26(f) conference.
9. This is the third request for an extension of time related to any filing this case.
10. The Plaintiff makes this request for additional time in good faith and do not anticipate any additional requests to further extend this deadline.

WHEREFORE, Plaintiff respectfully requests this Court enter an order extending Plaintiff's deadline to file a responsive pleading to Defendants' Counterclaims up to and through December 15, 2023, extending the deadline for the parties to hold a Rule 26(f) conference up to and through December 29, 2023, and for such other and further relief as this Court deems just and proper under the circumstances.

Dated: December 1, 2023

Respectfully submitted,

SPINOSO REAL ESTATE GROUP, DLS, LLC,
solely in the capacity as court appointed receiver
pursuant to that certain Consent Judgment and
Stipulated Order for Appointment of Receiver entered
on May 21, 2021 in the General Court of Justice,
Superior Court Division, County of Mecklenburg,
State of North Carolina, successor-in-interest to TM
Northlake Mall, LP

By: /s/ Daniel J. Hoelting

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- and -

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